

Patent Case: ID01152

Appl. No. 09/825,423
Response dated July 17, 2006
Reply to Office Action of March 7, 2006

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REMARKSAMENDMENTS TO THE SPECIFICATION

The specification has been amended to incorporate the substitute sequence listing filed December 14, 2005.

STATUS OF THE CLAIMS

Upon entry of the foregoing amendment, Claims 1-3, 7-9, 11 and 18 will be pending.

Support for the amendment to Claim 1 can be found in originally filed claims 1, 3 and 9, and Table 5 on pp. 44-45.

Pending Claims 7 and 8 are supported by Claim 9 as originally filed. Support for the amendment to Claim 9 is found in originally filed claim 9, p. 10, lines 12-14, p. 10, line 25 to p. 11, line 2, and by comparing the full-length sequence in SEQ ID NO:1 with the fragment sequences in SEQ ID NOs: 3, 5 and 6.

Amended Claim 11 is supported by originally filed Claim 11 and Examples 14-16 on pp. 42-45.

Support for new Claim 21 is found in the specification at p. 10, line 25 to p. 11, line 2, and by comparing the full-length sequence in SEQ ID NO:1 with the fragment sequences in SEQ ID NOs: 3, 5 and 6.

New Claim 22 is supported by originally filed Claim 7, p. 11, lines 14 to 30, and by comparing the full-length sequence in SEQ ID NO:1 with the subdomain I,II fragment sequence in SEQ ID NO: 5.

All page and line numbers referenced above are based on the originally filed specification.

CLAIM OBJECTIONS

Claims 1, 4, 9, 10-12 and 16-17 are objected for various reasons. The cancellation of Claims 4, 10 and 12-17 obviates the objections applicable to those claims. The objection to Claims 1, 9 and 11 as containing an improper alternative expression is addressed by the present amendments to those claims.

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CLAIM REJECTIONS - 35 USC §112, Second Paragraph

Claims 4-5, 7, and 12-14 are rejected as being indefinite for not being within the scope of the polypeptides defined in their antecedent Claims 3 and 11. This rejection is overcome by the cancellation of claims 4-5 and 12-14, and by the amendment to claim 7, which is now directed to a polypeptide defined by one of the sequences recited in antecedent Claim 1.

Claims 5 and 13 are rejected as being confusing for reciting the substitution of amino acids that are not within the scope of the substituted amino acids defined in their antecedent claims 4 and 12. This rejection is overcome by the cancellation of claims 4-5 and 12-13. The subject matter of these claims is clarified in amended Claim 9 and in new independent Claim 21. Applicants undersigned attorney refers the Examiner to p. 10, lines 25 to 31, where the specification states that the substitution at these sites "can be" nonpolar amino acids, and includes a list of what are deemed to be nonpolar amino acids. However, the amino acid substitutions recited in new Claim 21 are those described as "preferred" in the specification at p. 10, line 31 to p. 11, line 2.

CLAIM REJECTIONS - 35 U.S.C. § 112, first paragraph

Claims 4-5, 7, 9, and 12-14 stand rejected under 35 U.S.C. § 112, first paragraph, because the amendment filed December 14, 2005 did not contain a showing of support for the specific amino acid positions or sequence identifiers recited in the claims. This rejection is rendered moot with respect to cancelled Claims 4-5 and 12-13. With respect to currently amended Claims 7 and 9, the support for the amino acid positions and sequence identifiers is noted above in the section entitled "Status of the Claims".

Claims 10-17 stand rejected under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the written description and enablement requirements. All of these claims have been cancelled except for Claim 11, which has been amended to define the polypeptide in the crystalline composition by both a specific amino acid sequence and a specific set of structural coordinates. Therefore, withdrawal of this rejection of Claim 11 is respectfully requested.

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CLAIM REJECTIONS - 35 USC §102


Claim 15 is rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Kim et al. This rejection is rendered moot by cancellation of this claim.

CONCLUSION

It is believed that the foregoing amendments and arguments place this application now in condition for allowance. The Examiner is requested to contact Applicants' undersigned attorney if any additional questions or concerns arises.

Respectfully submitted,

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